

Serial No. 10/061,364
Amendment dated September 26, 2007
Reply to Office Action of July 26, 2007

Docket No. CIT/K-0138

REMARKS/ARGUMENTS

Claims 1, 2, 11, 13 and 21-25 are pending. By this Amendment, claims 1 and 11 are amended, claims 5, 6, and 9 are canceled without prejudice or disclaimer, and new claims 23-25 are added. Support for the claims can be found throughout the specification, including the original claims, and the drawings. In particular, the Examiner is directed to paragraphs [0026]-[0030] of the present application. Reconsideration in view of the above amendments and following remarks is respectfully requested.

Entry of the amended claims is proper under 37 C.F.R. §1.116 since the amendments: (1) place the application in condition for allowance for the reasons discussed herein; (2) do not raise any new issues requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution without incorporating additional subject matter; (3) satisfy a requirement of form asserted in the previous Office Action; and/or (4) place the application in better form for appeal, if necessary. Entry is thus requested.

The Office Action rejected claim 1 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Claim 1 has been amended to address the Examiner's comments. Accordingly, the rejection should be withdrawn.

The Office Action rejected claims 1, 2, 5-6, 9-13, 15-16, 18, and 20 under 35 U.S.C. §103(a) as being unpatentable over Sims III, U.S. Patent No. 6,550,011, in view of Gruse, U.S.

Patent No. 6,398,245 and Ansell, U.S. Patent No. 6,367,019. The rejection is respectfully traversed.

Independent claims 1 and 11 have been amended to more clearly define over the applied references. More particularly, independent claim 1 has been amended to recite, *inter alia*, “(f) encrypting said watermark-added media data set with said decrypted media key and encrypting said decrypted media key with said public key of said compliant device, and passing said encrypted watermark-added media data set and said encrypted media key to a recording device without a compliance test, or performing a compliance test with a displaying device and if said compliance test is successful, passing said watermark-added media data set and said decrypted media key to said displaying device.” Independent claim 11 has been amended to recite, *inter alia*, “(d) outputting said media data set to which the device information is added, to an external device, wherein said outputting comprises (e) if said external device is a recording device, encrypting said media data set with said decrypted media key and outputting without a compliance test, and (f) if said external device is a displaying device, performing a compliance test with said displaying device and outputting without encrypting.” Sims III, Gruse, and Ansell, taken alone or in combination, fail to disclose or suggest such features, or the respective claimed combinations of independent claims 1 and 11.

That is, with the features of independent claims 1 and 11, the copy protection method applied to a media data set is determined by whether an external device to which the media data

set is transferred is a recording device or a displaying device. If the external device is a recording device, the media data set is encrypted and transferred to the displaying device without a compliance test. On the other hand, if the external device is a displaying device, the media data set is not encrypted. Instead, a compliance test is performed between the compliant device and the displaying device. None of the applied references discloses or suggest such features, or the respective claimed combinations of independent claims 1 and 11.

Accordingly, the rejection of independent claims 1 and 11 over Sims III, Gruse, and Ansell should be withdrawn. Dependent claims 2, 13, 21, and 22 are allowable over Sims III, Gruse, and Ansell at least for the reasons discussed above with respect to independent claims 1 and 11, from which they respectively depend, as well as for their added features.

Further, added system claims 23-25 also define over the applied references.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney, at the telephone number listed below.

Serial No. **10/061,364**

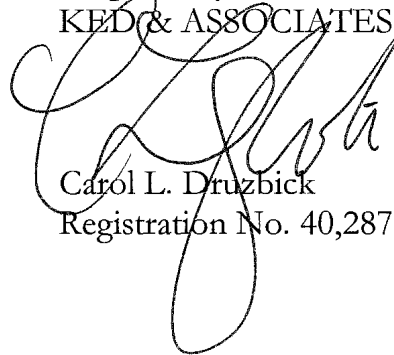
Docket No. **CIT/K-0138**

Amendment dated **September 26, 2007**

Reply to Office Action of **July 26, 2007**

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,
KED & ASSOCIATES, LLP



Carol L. Druzbeck
Registration No. 40,287

Correspondence Address:

P.O. Box 221200

Chantilly, VA 20153-1200

703 766-3777 CLD:dak

Date: September 26, 2007

Please direct all correspondence to Customer Number 34610

\\Fk4\Documents\2016\2016-248\135112.doc